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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re continued application of )  
PEGGY M. TOMASULA ) Before the Board of Patent  
Production of High Protein ) Appeals and Interferences  
Concentrates ) Group Art Unit 1761  
Serial No. 09/247,219 ) Examiner Arthur L. Corbin  
Filed February 10, 1999 )

The Honorable  
The Assistant Commissioner of Patents  
Sir:

REPLY TO NOTIFICATION OF NON-COMPLIANCE WITH 37 CFR 1.192(c)

This is in reply to Paper Number 25 dated February 4, 2003, in which the Examiner held that Applicant's Supplemental Appeal Brief filed on July 22, 2002, was defective for failing to comply with one or more provisions of 37 CFR 1.192(c). As per

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents & Trademarks, Washington, D.C. 20231 on

February 12, 2003  
(Date of Deposit)

Curtis P. Ribando  
Name of Depositor

*Curtis P. Ribando*

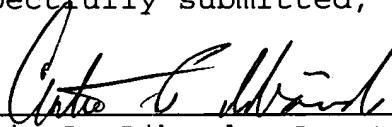
*February 12, 2003*

Date of Signature

Serial No. 09/247,219 - Peggy M. Tomasula

discussion between the undersigned and Examiner Corbin on February 11, 2003, this notice was based solely on Appellant's incorporation by reference of sections of the original Appeal Brief that were still relevant to the appeal. MPEP Section 1208.03 (page 1200-26) clearly invites the Appellant in a Supplemental Appeal Brief to "incorporate by reference such parts of the previously-filed brief as may still be applicable." In light of this, the Examiner verbally concurred that the Supplemental Appeal Brief is in compliance with 37 CFR 1.192(c) and no further corrective action is required by the Applicant. Accordingly, withdrawal of the subject notification is hereby requested.

Respectfully submitted,

  
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Curtis P. Ribando, Agent of Record  
Registration No. 27,976

Peoria, IL

309/681-6513

FAX: 309/681-6688

202/720-5474